

Notice of Allowability

Application No.

09/648,942

Examiner

Tania C. Courson

Applicant(s)

CRAIN ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 09 January 2004.
2. ☒ The allowed claim(s) is/are 1,4-30 and 34-37.
3. ☒ The drawings filed on 25 August 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 06AUG03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance for Claims 1, 4-16 and 34: the prior art does not disclose or suggest a surveying pole including at least one pole section, a point mounted on a lower end of the one pole section, a shoe sized and shaped for covering the point, the shoe having a blunt bottom wall engageable with the ground where the shoe covers the point, whereby the surveying pole is capable of selective configuration for use in terrain having different surface properties without removal of the point in combination with the remaining limitations of the claims.

2. The following is an examiner's statement of reasons for allowance for Claims 17-26 and 37: the prior art does not disclose or suggest a surveying pole including at least one pole section, a point on the lower end of the pole section, a shoe formed for releasable connection to the surveying pole at the lower end to selectively configure the surveying pole for use in terrain having different surface properties, the surveying pole being adapted for stowing the shoe at a location away from the lower end of the pole section when the shoe is not needed in combination with the remaining limitations of the claims.

3. The following is an examiner's statement of reasons for allowance for Claims 27-30: the prior art does not disclose or suggest a level vial holder including first and second holder members engageable with an object on generally opposite sides thereof, the first holder member including the engagement surface being formed of a rigid material for positively locating the level vial holder relative to the object, the second holder member having an elastomeric pad on

Art Unit: 2859

its engagement surface for enhancing frictional resistance to movement of the level vial holder axially of the object in combination with the remaining limitations of the claims.

4. The following is an examiner's statement of reasons for allowance for Claims 35-36: the prior art does not disclose or suggest a surveying pole including at least one pole section , a point mounted on a lower end of the one pole section, a shoe formed for selective connection to the surveying pole in a configuration so that the shoe is positioned for engaging the surface in a use position of the surveying pole while the point is out of engagement with the surface, the shoe having a blunt bottom wall engageable with the surface and having a greater surface area for engagement with the surface than the point, whereby the surveying pole is capable of selective configuration for use in terrain having different surface properties without removal of the point in combination with the remaining limitations of the claims.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

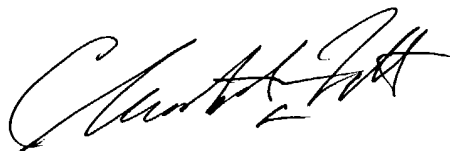
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania C. Courson whose telephone number is (571) 272-2239. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30PM.

Art Unit: 2859

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez, can be reached on (571) 272-2245.

The fax number for this Organization where this application or proceeding is assigned is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Diego F.F. Gutierrez', is positioned above the printed name.

DIEGO F.F. GUTIERREZ
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT 2859

TCC
April 26, 2004

CHRISTOPHER W. FULTON
PRIMARY EXAMINER